

REMARKS

This is in response to the Office Action dated November 21, 2003 concerning the above application. Pursuant to 37 C.F.R. §1.111, applicants request reconsideration of each and every ground for the rejection of the claims.

The Office Action rejected to the drawings as failing to comply with 37 C.F.R. §1.84(p)(5) due to certain informalities. Applicants have submitted corrections to the specification to place various elements therein in conformance with the reference numerals used in the drawings. Applicants respectfully submit that these corrections should overcome the drawing objections.

The Office Action further objected to the disclosure due to certain informalities. Applicants have made minor amendments to the specification, where appropriate, to address these informalities.

The Office Action rejected claims 1-6, 19-24, 28 and 30-33 under 35 U.S.C. §102(e) as being anticipated by LaJoie et al. U.S. Patent 6,049,333 ("LaJoie et al."). The Office Action rejected claims 25-27 and 34-40 as unpatentable for obviousness under 35 U.S.C. §103(a) based on LaJoie et al. The Office Action further rejected claims 7-14 and 16 under 35 U.S.C. §103(a) as being unpatentable for obviousness based on the combination of LaJoie et al. in view of Zigmond et al. U.S. Patent 6,571,392 ("Zigmond et al."). Additionally, claims 15, 17 and 29 were rejected for obviousness based the combination of LaJoie et al. and Zigmond et al., and further in view of Smith U.S. Patent 6,615,248 ("Smith"). Finally, claim 18 was rejected for obviousness based on the combination of LaJoie et al. and Zigmond et al., in further view of Tomsen et al. Published Application U.S. 2002/0083464 A1 ("Tomsen et al.").

Applicants respectfully traverse the rejection of claims 7-14, 15-18 and 29 as being unpatentable under 35 U.S.C. §103(a) for obviousness based on the combination of LaJoie et al., Zigmond et al. and/or the other references cited in the Office Action. Applicants submit that Zigmond et al. does not properly qualify as prior art under 35 U.S.C. §102(e)/103. Section 103(c) of the Patent Statute provides:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of Section 102 of this title, shall not preclude patentability under this section [103] where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

35 U.S.C. §103(c). In this instance, the subject matter of Zigmond et al. was owned by, or was under an obligation of assignment, to the same entity, Microsoft Corporation. Accordingly, Zigmond et al. may not properly be applied to the claims of the instant application. For this reason alone, the §103 rejection of claims 7-14, 15-18 and 29 based, in part, on an application of Zigmond et al. should be reconsidered and withdrawn.

Applicants further traverse the rejection of claims 1-6, 19-24, 28 and 30-33 under 35 U.S.C. §102(e) as anticipated by LaJoie et al. As explained below, LaJoie et al. does not disclose the subject matter of these claims.

Specifically, applicants traverse the rejection of claims 1-6 as anticipated by LaJoie et al. Claim 1 requires, among other things, "means for linking the broadcast television programming with the related content in accordance with an *event identifier*." (emphasis added) Applicants submit that LaJoie et al. does not disclose the same or equivalent structure to perform the recited function. The Office Action refers to an event data acquisition computer 24 in LaJoie et al.

which, according to the Office Action, links real time data to the program from the event data service provider 26, as purportedly disclosed at Col. 5, ll. 2-16. However, there are several differences between this disclosure and the claimed means for linking element. The relevant passage in LaJoie et al. discloses that an event data service provider 26 provides updates to event data by way of updating an event database stored in a data storage unit 24. It further indicates that the event data acquisition computer 22 replaces outdated information with new information in the event database stored in the data storage unit as new information is received. While LaJoie et al. is not entirely clear in its disclosure, at most, LaJoie et al. discloses the inclusion of channel information for the televised events in the event database contained in storage unit 24. (See Col. 12, ll. 4-6: "This is accomplished by including channel information for televised events in the event database stored in the RAM 42 (Fig. 2).") Thus, LaJoie et al. does not disclose or suggest any unique identification mechanism for event data.

On the other hand, claim 1 requires means for linking broadcast programming with related content in accordance with an event identifier. As disclosed on page 12, lines 9-14 of the instant application, an event identifier may be the following:

The event ID may be created by using a custom ID that is assigned to IP data, the event ID may be created by mapping heterogeneous ID's previously assigned to IP data or broadcast programming into a single homogeneous event ID system, or the event ID may be derived from or be the same as a pre-existing universal ID system, if one is available.

The differences between LaJoie's channel information and the use of an event identifier are not trivial. As further explained in the Background of the Invention, the invention arose from a recognition that it would be desirable to be able to aggregate multiple sources of data, in real time if desired, to enhance a viewing experience:

Although programming services are now available to provide EPG data and interactive programming experiences in some form, these services suffer from various deficiencies. For example, these services cannot readily convey information concerning other broadcast programming that may be of interest to the viewer based on the programming currently being viewed. Since there is now no adequate way to bundle information across multiple programs, the types of programming and data provided by known services are not truly ubiquitous. Instead, each program is isolated from other programs even though groups of programs may be of general interest to the viewer.

(Specification at 3: 1-9). Because LaJoie et al. does not disclose the same or equivalent structure as in the instant application, for linking broadcast programming with real time content in accordance with an event identifier, LaJoie et al. does not anticipate claim 1 or dependent claims 2-6.

With respect to claim 19, as amended, LaJoie et al. does not disclose program code for extracting an event identifier in a first data stream, and in response to user selection, causing the client system to tune to a television program corresponding to the event identifier. The Office Action relies on Col. 11, line 50 through Col. 12, line 9 for disclosure of this element. However, applicants submit that LaJoie et al. does not teach such structure. Instead, LaJoie et al. discloses the use of a CGI button to select various choices on a created menu. As noted above, at most, LaJoie et al. discloses the use of channel information for enabling a system to tune one other channel in accordance with events contained in an event database, not extracting an event identifier in a first data stream. Thus, claim 19 should be determined to be patentable.

The Office Action rejected claim 21 based on teachings in LaJoie et al., at Col. 5, ll. 2-18. However, LaJoie et al. does not disclose the method of presenting a tunable alert as set forth in claim 21. First, LaJoie et al. does not disclose the recited step of receiving television scheduling data, such as electronic guide programming information or the like, concerning a plurality of

television programs, each of which includes an associated unique event identifier. Second, LaJoie et al. does not disclose a content stream including a unique event identifier. It necessarily follows that LaJoie et al. does not disclose the step of determining a channel, associated with a tunable alert, based on the unique event identifier.

The same general observations may also be made with respect to the rejection in the Office Action of claims 28 and 30. Apart from the requirement in claim 28 for a unique event identifier -- which is not disclosed in LaJoie et al. -- none of the "events" contemplated by LaJoie et al. are related to "receipt of a status indicator only while a game is active" rather than on commercial break, between plays, or the like. Because it only receives updates even 15 seconds or longer (see LaJoie et al. at 14:28-37), such capability would be impractical, at best, in LaJoie et al.'s system.

Applicants respectfully traverse the rejection of claims 25-27 and 34-40 as being obvious based solely on LaJoie et al. In addition to the reasons above, LaJoie et al. does not teach or suggest content such as movies, news, and music events because, at most, LaJoie et al. presents information concerning a single event (either the presently displayed or one other event) in the event banner. Thus, apart from the absence of an event identifier and disclosure for the manner in which real time data is associated with programming information, LaJoie et al. could not be readily modified to present information concerning such other themes.

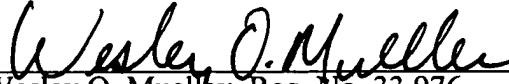
Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a

In re Appln. of Schrader et al.
Application No. 09/903,973

telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Wesley O. Muelley, Reg. No. 33,976
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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